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Thirteenth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of the previous report of 21 October 2016 (S/2016/885).

2. On 30 November, in carrying out his responsibilities under Security Council resolution 2107 (2013), my Deputy Special Representative for Iraq for Political Affairs at the United Nations Assistance Mission in Iraq (UNAMI) met the head of the Arab Department at the Ministry of Foreign Affairs of Iraq, Hussein Al-Khatib, and emphasized that a holistic approach, which included reaching out to witnesses, conducting field work and finding new and creative ways of dealing with the issue of missing persons and property, had the potential to bring about much-needed results. My Deputy Special Representative requested the Ministry of Foreign Affairs, which leads on the issue within the Government of Iraq, to continue to mobilize and coordinate the efforts of all entities of the Government of Iraq that were involved in the file. Mr. Al-Khatib conveyed the assurances of the Government of Iraq that it is firmly committed to improving relations with Kuwait and pointed out that the Government of Iraq was grateful to Kuwait for its humanitarian assistance and its understanding of the prevailing security and financial situation in Iraq. He emphasized that efforts to reach the desired results on the file on missing persons and property would continue and that information provided by the witnesses following the latest public announcements was currently being verified in close cooperation between the Ministries of Defence and Foreign Affairs.

3. On 1 December, my Special Representative for Iraq met the Ambassador of Kuwait to Iraq, Salem Ghassab Mohammed Al-Zamanan, who emphasized the importance of continuing the work on the file on missing persons and property in order to achieve tangible results. My Special Representative noted that UNAMI was closely following developments and was in contact with relevant entities of the Government of Iraq to ensure that efforts were continually applied to that task. He underlined that the inclusion of the Ministry of Defence of Iraq in relevant

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endeavours had contributed technical aspects and expertise that had helped to move the process forward.

4. On 12 December, my Deputy Special Representative for Iraq for Political Affairs met the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Omar Barzanji, who reiterated the commitment of Iraq to advancing the file on missing persons and property. Mr. Barzanji further elaborated on the preparations for the meeting of the Kuwait-Iraq Joint Ministerial Committee, noting its importance in strengthening bilateral relations.

5. On 27 and 28 December, the sixth session of the Kuwait-Iraq Joint Ministerial Committee was held in Baghdad, with the aim of further bolstering cooperation between the two countries. The First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al Hamad Al-Sabah, and the Minister for Foreign Affairs of Iraq, Ibrahim Al-Jaafari, signed three memorandums of understanding covering security, industry and transportation, as well as a programme of work on cultural cooperation. In subsequent high-level meetings with the President of Iraq, Mohammed Fuad Masum, the Prime Minister of Iraq, Haider Al Abadi, and the Speaker of the Council of Representatives of Iraq, Salim Al-Jubouri, Sheikh Sabah Khalid Al Hamad Al-Sabah reiterated his country's full support for the fight of Iraq against terrorism, and commended the progress achieved by the Iraqi security forces.

6. Improving bilateral ties and goodwill between Iraq and Kuwait was also in evidence when, for the third time, Kuwait supported the request made by Iraq to the Governing Council of the United Nations Compensation Commission established pursuant to Security Council resolution 692 (1991) for an additional one-year deferral until 1 January 2018 of the payment of the remaining $4.6 billion in reparations owed to the Government of Kuwait pursuant to paragraph 21 of Security Council resolution 1483 (2003). During the reporting period, Kuwait dedicated $30 million to United Nations agencies to ease the humanitarian crisis faced by Iraq, supporting the provision of emergency food assistance to thousands of Iraqi families affected by the ongoing crisis in Mosul, as well as expanding life-saving assistance to the Iraqi children and distribution of winterization equipment to the displaced population.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

7. During the reporting period, the Ministry of Defence of Iraq continued to gather, verify and analyse information provided by numerous citizens following a public call for witnesses that was broadcast on Iraqi radio and television channels in September. In order to streamline the verification procedure, the Ministry of Foreign Affairs shared with the Ministry of Defence information available from a number of witnesses. The Ministry of Defence further requested intelligence and security services to provide any available information on potential burial locations, including Salman Pak, Khamisiyah and Radwaniyah, in an effort to pinpoint the location of the sites. In order to cross-check the information and develop a complete and up-to-date database, the Ministry additionally requested the International Committee of

the Red Cross (ICRC) to provide a list of all locations where Kuwaiti remains had been found, along with the names of those persons whose remains had been located.

8. From 23 to 25 October 2016 and from 19 to 24 December 2016, the technical team of the Ministry of Defence of Iraq undertook excavation work on a potential burial site in Karbala governorate in the presence of a witness. In the course of this process, 158 trenches were dug. Nevertheless, no human remains have been found to date.

9. On 1 November, the Ministry of Defence of Iraq designated the Deputy of the General Legal Adviser and head of the technical committee in charge of the file on missing Kuwaiti persons, Brigadier General Hazem Qassem Majid, as its representative in the Committee established by the authorities of the Kurdistan Region of Iraq to coordinate work related to a witness who might be in possession of information on a potential burial site in Sulaymaniyah governorate. This represented a follow-up to the discussions previously conducted with a witness by the Iraqi Ministry of Defence, the Kurdistan Regional Government Ministry of Martyrs and Anfal Affairs, ICRC and the Consulate of Kuwait in Erbil.

10. On 5 December, my Deputy Special Representative for Iraq for Political Affairs met Brigadier General Hazem Qassem Majid. The Brigadier General expressed his full commitment to making progress on the file and indicated that the Prime Minister of Iraq welcomed activities undertaken by the Ministry of Defence of Iraq as part of the overall Government objective of improving the relationship between Iraq and Kuwait, as well as between Iraq and the international community. Echoing previously raised concerns over the lack of budgetary allocations for the file in 2016, he expressed the hope that funds requested for the 2017 budget would be approved in order to support planned work. The Brigadier General expressed gratitude for the continued patience of the Kuwaiti side against the background of the financial and security challenges faced by Iraq. He emphasized that, once the Islamic State in Iraq and the Levant (ISIL) was defeated, the Ministry would be able to fully focus its efforts on the file. He provided assurances that the Ministry of Defence would be ready to shoulder responsibilities and seek to obtain positive results. My Deputy Special Representative welcomed the activities of the Ministry of Defence and urged the continuation of all efforts, particularly those relating to the witnesses and newly obtained information, to ensure that it was substantiated and that all leads were duly followed. He encouraged the Ministries of Defence and Foreign Affairs to strengthen their coordination and cooperation on the file.

11. On 8 January, during an official visit to Baghdad, the President of ICRC, Peter Maurer, met the Prime Minister of Iraq, Haider Al Abadi, to discuss ICRC operations in that country, including the support of ICRC in resolving the issue of missing persons, which remained a focus of its humanitarian work. The importance of the role of ICRC was also recognized on 11 January in Kuwait during the meeting between Mr. Maurer and the First Deputy Prime Minister and Minister for Foreign Affairs, Sheikh Sabah Khalid Al Hamad Al-Sabah, who praised the humanitarian efforts of ICRC, particularly those related to finding Kuwaiti missing persons and prisoners of war from the 1990-1991 Gulf War.

III. Recent activities with regard to the return of Kuwaiti property

12. On 30 November, during his meeting with my Deputy Special Representative, Mr. Al-Khatib confirmed that a large number of Kuwaiti books had been found in university libraries across Iraq. The books were currently being collected and itemized. My Deputy Special Representative welcomed the news and urged the Ministry of Foreign Affairs to consider undertaking a specialized public campaign that would target those with information pertaining to the national archives, encouraging them to come forward.

13. During the reporting period, the Ministry of Foreign Affairs of Iraq completed the inventory of 2,368 Kuwaiti books from Babil University and 3,726 books from the University of Kufa, preparing them for an official handover to Kuwait.

14. On 23 December 2016, in Babil governorate, Iraqi security personnel seized what is believed to be an ancient manuscript stolen from the Kuwait Museum during the 1990-1991 Iraqi occupation. The Ministries of Foreign Affairs and the Interior of Iraq are coordinating with each other on the matter. Following conclusion of legal and judicial procedures, the manuscript will be handed over to the Ministry of Foreign Affairs of Iraq for authentication.

IV. Observations

15. I welcome the continued strengthening of relations between Iraq and Kuwait, which are growing closer with each passing year. I commend Kuwait for its generosity and the humanitarian support it has provided to Iraq, showcasing friendship and solidarity with the people of Iraq in their time of need. I express gratitude for their understanding of the financial difficulties faced by the Government of Iraq and the agreement to postpone the compensation payments for an additional year.

16. Full normalization of relations between Iraq and Kuwait can take place only if and when the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, is closed. I welcome the acknowledgement by the Government of Iraq of its obligations and of the expectations from both Kuwait and the wider international community on this issue. This is an indication of the commitment of the Government of Iraq to shouldering its responsibility and its intention to achieve long-awaited results.

17. Over the past several months, the Ministry of Defence of Iraq has demonstrated resolve and commitment to pushing the file on missing persons forward and exerting much-needed efforts in an attempt to reach tangible results. I welcome the renewed energy and hard work and, while mindful of priorities with regard to ISIL, urge continued engagement in this respect during the period ahead. With this in mind, I call on the Government of Iraq to allocate the necessary funds in 2017 that would allow the Ministry of Defence to intensify activities and fully meet its responsibilities.

18. I applaud the support, guidance, encouragement and unwavering dedication shown by the tripartite members under the able chairmanship of ICRC. Their determination over the years to see a resolution of this file is commendable. I encourage the Government of Iraq to continue to actively participate in this mechanism, as recommendations stemming from fruitful deliberations at each tripartite meeting provide a useful platform to clarify the best way forward. I further encourage the Government of Iraq to present its findings and continually share information on its activities with the members, even outside of the regularly scheduled meetings, as a means of expediting this process. I remain hopeful that working on parallel tracks, primarily by contacting witnesses, corroborating their statements, gathering information from all available sources, conducting required fieldwork, using new technology and continuing with an in-depth scientific review project, will move this file forward.

19. I welcome the discovery and itemization of over 6,000 Kuwaiti books from the libraries of Babil University and the University of Kufa and look forward to their official handover to Kuwait. This gives me hope that the right approach, backed by determined efforts, can lead to the discovery of the remaining Kuwaiti property, particularly the national archives. I urge the Government of Iraq to maintain its efforts and encourage it to consider the recommendation advanced by my Deputy Special Representative of a public campaign specifically focused on the national archives.

20. I reiterate the commitment and dedication of UNAMI with regard to supporting and facilitating all efforts on this important humanitarian endeavour.